

## MEETING MINUTES CITY OF MILPITAS

**Minutes of:** Special Meeting of Milpitas City Council and  
Milpitas Housing Authority  
**Date:** Tuesday, June 11, 2019  
**Time:** 6:00 PM  
**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

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**CALL TO ORDER** Mayor Tran called the special joint meeting to order at 6:07 PM. City Clerk Mary Lavelle called the roll.

**SPECIAL MEETING** **PRESENT:** Mayor Tran, Vice Mayor Dominguez, Councilmembers Montano, Nuñez and Phan  
**ABSENT:** None

**PUBLIC FORUM** None

**ANNOUNCEMENT** City Attorney Chris Diaz asked if Councilmembers had any conflicts of interest or reportable campaign contributions on agenda items and all members replied no.

**APPROVAL of SPECIAL MEETING AGENDA** By motion of Councilmember Nuñez and second by Councilmember Montano, the Council approved the special meeting agenda on a unanimous vote.

### **PUBLIC HEARINGS**

#### **1. Continued Public Hearing on the Fiscal Year 2019-20 Budget & Capital Improvement Program**

Assistant City Manager Ashwini Kantak presented an overview of the City's Fiscal Year 2019-20 proposed budget. She reviewed changes in the proposed budget since the May 15 Council study session, including adding one more police officer. She defined the Youth Theatre program contract and direction sought. She spent time going over the various new employee position requests.

Finance Director Walter Rossman discussed the various fund resources, along with anticipated expenditures and revenues for the new year's budget. Mr. Rossman displayed the 49% reserve anticipated in the next budget, described as very healthy.

Councilmember Phan commented on the City Manager's contract authority, and his concern for transparency of the new change requested, for the City Manager to be able to amend or transfer appropriations with the increase from \$20,000 to \$100,000. He felt there was a need to report this out to the public, maybe via the Rules Subcommittee. Mayor Tran suggested this go to the Finance Subcommittee. Ms. Kantak reported that, monthly, all contracts (on a prepared list) were sent to members of the Finance Subcommittee and can be provided to the full City Council.

Councilmember Nuñez had the same comment as Councilmember Phan and he supported transparency. He thought the Finance Subcommittee met monthly to review credit card bills, contracts up to \$100,000 and other items as its assigned task.

Councilmember Montano asked Mr. Phan about his concern on the transparency issue. He said it was about understanding decisions made and to explain to the public each one's reason. Ms. Montano wanted to change the City Manager's authority to \$50,000 (from \$100,000).

Mayor Tran responded about how the Finance Subcommittee operated more recently, with information provided to the two Subcommittee members routinely by e-mail.

Councilmember Nuñez requested to put on the next Council meeting, regarding that Subcommittee, to have a full discussion about the Finance Subcommittee and its role.

Councilmember Montano stated, when bringing it back, she would approve the City Manager to have authority of \$100,000 for contracts.

Vice Mayor Dominguez suggested having maybe one Subcommittee meet right after the other, since its members were the same on Rules and Finance (herself and the Mayor).

Councilmember Phan said to be transparent, and to publish the finance information online. Maybe have the City Attorney's signature as well, with which Councilmember Nuñez agreed.

Councilmember Nuñez asked questions about new positions in the Recreation Services Department and a study that was being done. Recreation Director Renee Lorentzen responded. Mr. Nuñez asked Public Works Director Tony Ndah questions about his department staffing as well as City Engineer Steve Erickson about positions to be added to the budget.

Mr. Nuñez commented on the staffing proposed to assist the City Council and felt the Administrative Assistant recommended by staff was not the level of support he looked for. Rather, he wanted an analyst, a person who could do research and analysis for City Councilmembers. The Assistant City Manager responded on the higher costs for an analyst position rather than administrative assistant. He commented on a grant writer position which he did not want to fund, but rather have a person fund their own position first. He inquired about the City Manager's office limited term management fellow. He did not see a position for communications on the list, while he saw a need for that so look at contracting out some of this work – for a newsletter, website, video, etc.

Councilmember Phan agreed with Councilmember Nuñez on contracting out. Mr. Phan asked questions about a Case Worker on the position list, and whether the person needed to be a licensed social worker. The Recreation Director replied that it would depend on what was written in the job description. He asked about the Management Fellow and Ms. Kantak explained it was part of the "Next Gen" program of San Mateo and Santa Clara Counties. Mr. Phan wanted to see clear goals and a specific objective for the position. He wanted professional development for the staff the City had presently to give them opportunity and empower current staff, before looking elsewhere.

Councilmember Montano stated she was okay with most positions on the list. For the Grant Writer, that was another assignment for somebody else and she did not support that one. On staff for Council, she supported a position at analyst level. If taking away some duties from the Executive Assistant to give those to an Administrative Assistant, then she would not support giving a higher level raise to new position of Senior Executive Assistant. She wanted the new position for City Council to report to the City Clerk.

Vice Mayor Dominguez was hearing that staff was stretched thin, while the City was growing rapidly. She supported a Grant Writer position as temporary. She commented on the support position for City Council, it was good for a fellowship and to get experience. She asked staff to look at the same program, funnel more fellows with \$60,000 or more funding for it. Bring in fellows to give them experience. Council needed help with analyzing material and assistance so maybe have three positions shared among all five.

Councilmember Phan supported a fellowship program, and to nail down the scope of the direct reporting (who it would be). Continue to invest in professional development for current staff. He agreed with the Vice Mayor that administrative support to Council might not be the no. 1 need. He'd want support in terms of communications, talking to media, which could be contracted with a vendor.

Councilmember Montano liked the Vice Mayor's idea to have several fellows shared for all of the City Council.

Councilmember Nuñez liked the shared concept on use of multiple fellows. He asked to look at where they may come from. Ms. Kantak replied the City could look at options with funding approved, and come back to Council. She mentioned San Jose State University and Santa Clara University as possible places to get fellows or interns with a valuable mentoring component.

Mayor Tran asked how much money the City received in grants last year. Ms. Kantak replied there was some grant funding, but she would have to get back to him with a comprehensive number. The Mayor asked Ms. Lorentzen about the Case Manager position at Senior Center and how many people would be served (as proposed) and she replied currently served about 700. Mayor Tran would want the newly classified Program Coordinator position to have a Master's Degree and/or be a LCSW. Staff responded that the position would need to be classified at a higher level than Coordinator and staff would have to bring that back to City Council.

Councilmember Montano stated she now would be in favor of a grant writer position. The federal government gives out a lot of grants, and thinking about it for housing needs and for the Housing Authority.

Councilmember Nuñez agreed with the Mayor on the need to have someone with an MSW degree for the social service position. Building & Housing Director Sharon Goei replied that these would be two positions, to work together with the Recreation Department staff. Mr. Nuñez would like staff hired who were bilingual, since there was a need for that in the community.

More than \$700,000 was received in federal grants last year, the Finance staff reported, for the City Council.

Next discussed was the upcoming five year Capital Improvement Program (CIP), including many projects throughout the City.

City Engineer Steve Erickson identified key changes in the proposed CIP since the March 12 and May 15 study sessions.

Mayor Tran thanked him and was excited about the projects in the upcoming CIP which addressed major needs of the community, especially roads and streets improvement. The Mayor asked staff about 20 radar speed signs and feedback on locations for those. He asked Mr. Erickson if these would be nearby families and neighborhoods, and staff said they'd be near schools mostly.

The Mayor commented on reserves, with more going to one time costs, and he felt it was important to keep those high.

Councilmember Nuñez sought more understanding of funding more CIP items from unassigned reserve funds. He asked questions on items no. 1 - 9, on a slide of the key changes, with the CIP projects listed. Mr. Nuñez asked staff to make sure all of the projects went out to the public for the community to give input and feedback.

Vice Mayor Dominguez said she did not support no. 2, green bike lane (paint) installation. She wanted a "FRED" program like in San Diego, which was very cost effective. She supported other items listed 1 – 9 but not green bike lanes.

Mayor Tran supported the CIP for Green Bike Lane Installation at \$300,000.

Councilmember Montano spoke on radar speed feedback signs, and asked if that included flashing crosswalks. Mr. Erickson stated those were included in no. 4, Installation of Enhanced Crosswalk Striping/Beacons. Ms. Montano commented on some specific locales around the City. She asked staff to include Alviso Adobe and Higuera Adobe as added to an appropriate CIP so that gutters with leaves in them were cleared regularly. Ms. Montano wanted future discussions on City trees that were planted on private property. Maybe allow residents to take care of those trees, not the city, and the Public Works Director noted that was for a larger discussion.

Councilmember Montano wanted to know how much was spent on Dempsey Road work. The City Engineer replied that design work on water lines, storm drain, and recycled water had been done, but not yet constructed. That was what was in the CIP now.

Councilmember Nuñez asked if the dollars on the screen came from reserves. If City Council chose not to fund any of items no. 1 – 9, he asked to confirm that the money would go back to reserves. Staff confirmed that.

Next, Mayor Tran re-opened the public hearing for audience comments.

Rob Means, resident of 1421 Yellowstone, said projects come and go on the CIP. Consider "PRT" a project for funding to move people. He also referred to the "CAP," Climate Action Plan, adopted by City Council in 2013 which was overdue for an update.

Allysson McDonald, resident, thanked staff for recommending the Sandalwood Park improvements project in the CIP. She would love to see bike lane improvements and crosswalk enhancements. The City could find studies improving bike safety, and those projects would be awesome. Those were not counter to traffic improvements. Funding for creekside trails would be helpful, she suggested.

Tom Valore, resident, said the issue of unfunded liability for pension/retirement program was important, and sunk some cities across the country. If there was a downturn in the economy, how long would reserves sustain the staffing, and at what point would layoffs be necessary for the City government?

Sherry Burns, Silicon Valley Independent Living Center, helped those with services for those with disabilities. She referred to a letter sent in earlier to all of the City Council. A high priority was having help with rental assistance for low income and needy residents. She recommended \$100,000 be set aside for rental assistance to keep people in their housing to avoid homelessness.

Yolie Garcia, resident, asked if there was funding for tenant emergencies for those in crisis, moving or for water utilities expense.

(1) Motion: to close the public hearing, initially opened on June 6, 2019

Motion/Second:

Councilmember Nuñez/Councilmember Phan

Motion carried on a vote of:

AYES: 5

NOES: 0

Councilmember Montano wanted to put \$2 million into the Housing fund and to address having an emergency fund. She asked about artificial turf and wondered if that eliminated people from using that area. The Recreation Director explained funding set aside each year to save for future replacement of turf at the Sports Center playing field.

Councilmember Nuñez noted the two Subcommittee meetings scheduled during the week of June 11 on Community Development Block Grant funding and on housing matters. Assistant City Manager Kantak responded, explaining what was included in the budget, regarding fees and charges. Ms. Goei reported that \$2 million was recommended to be allocated to a Housing community service fund, that would meet Council priorities including rental assistance and be flexible.

Councilmember Nuñez referred to the CIP items no. 1 – 9. He did want to consider funds for improvement of trails, as he heard from a speaker. There was a need for community and Council input on these CIP recommendations. He wanted to understand how many people used the walking trails. He wanted to talk about this list more, earlier, before this night and have the community give input on these items totaling \$4 million (from reserves).

Councilmember Nuñez spoke on the youth theater program, stating he did not want to go into an agreement with that group for the next year. It was a lot of money to contribute to one organization at the expense of others. He wanted some type of study since the children's theater program did take up a lot of days in use of the Community Center.

Councilmember Phan asked if bike lanes were limited to bikes, or would it include scooters and skateboards. Address infrastructure for the bike lanes, and availability of bikes, with accessibility of bikes to encourage residents. Bike sharing was happening in other cities, and businesses could get on board with that concept. He urged prioritizing the bike lanes near transit (for the green paint). He urged public-private partnership on bike lanes.

Mr. Phan asked if CIP funds could be used on City buildings. City Attorney Chris Diaz replied that it depends what funds were used.

Councilmember Phan spoke on the Housing Authority money, and asked if Council voted to authorize specific items and funds for that? Mr. Diaz answered, if directed, the Council can set aside \$2 million from Housing Authority to set up programs and ideas discussed at the Housing Subcommittee meeting held earlier this date.

Mr. Phan asked the Public Works Director Tony Ndah if the City had done a water needs assessment. A Water, Sewer, and Storm Master Plan would be done and an RFP had been issued.

Mayor Tran asked Assistant Police Chief Moscuzza about vehicles and bicycles because the Mayor wanted to look at green bike lanes through the safety of students and other residents.

Vice Mayor Dominguez wanted data to prove that painting the road green would help with bicycle safety.

The Mayor mentioned and requested traffic calming measures.

Vice Mayor Dominguez wanted to put \$300,000 out for comment from the public on how to spend funding in the CIP. She urged having a community benefit fund. Ms. Kantak offered that staff could leave the \$300,000 in the General Fund and would come back with other ideas at a future meeting.

Councilmember Montano noted that the Council had added items and programs in the past year, and inquired about the increase in Recreation budget. Recreation Services Director Renee Lorentzen responded that the increase in Recreation Services funding was due to additional and high turnout programs, some that started in the mid-year. Ms. Montano wanted to request - based on what she'd heard in the community - for a Filipino flag raising ceremony around Independence Day, and wanted to know how much would that cost, and asked Council to add that to the budget. Ms. Lorentzen replied approximately \$1,500-\$2,000. Ms. Montano requested to increase to add that into the Recreation budget, and Mayor Tran supported that request for the budget.

Councilmember Montano did not support funding for the Senior Executive Assistant and wanted it maintained as an Executive Assistant with no increase in the budget. Also, she supported painting the green bike lanes, as it promoted people riding their bikes and reducing the carbon footprint.

Councilmember Nuñez next wanted to make a motion to move ahead on the budget.

He stated he was not for green bike lane painting. He wanted a study on communication and one on the existing theater program. The \$300,000 that was not recommended for the bike lanes painting could go back into General Fund, and do other things with that money. He asked to develop a process for the CIP, before projects were brought forward, to make sure there was opportunity for Council input.

He wanted to adopt a Joint Resolution, including his comments (modifications) noted above.

Mayor Tran asked to go over the direction of entire Council comments in the motion, and the Assistant City Manager identified these:

- Include change on No. 4 added position, to have a social worker with a master's degree and appropriate salary
- Regarding staffing item No. 3 for an Administrative Assistant for City Council, do not add a position, but add more funding and come back to Council with some options regarding this staffing need
- On No. 4, Councilmember Nuñez asked if a re-classification study was done regarding position in the City Manager's office. If not supervising, then Mr. Nuñez asked if the change in salary was not needed. Ms. Kantak said the Senior Executive Assistant position would supervise an Office Specialist, along with after hours and other work performed, and changed into an exempt position.

Mayor Tran asked how much experience a person would need to apply to be a Senior Executive Assistant and explanation of exempt versus non-exempt status for the position. Ms. Kantak would need to check on the experience and reply later to him.

Mr. Nuñez called for a straw vote on item No. 4, the staffing request and whether City Council would approve the staff recommendation on the position in the City Manager's office. City Attorney Diaz did so and found three in favor.

The City Council next took votes on the various action items necessary to adopt the FY 2019-20 budget.

(2) (a) Motion: to adopt Joint Resolution No. 8880 / HA 29 of the City Council and Milpitas Housing Authority to approve the Fiscal Year 2019-20 Operating Budget and the 2019-2024 Capital Improvement Program for the City of Milpitas and the Milpitas Housing Authority, and to approve the Appropriations Limit for FY 2019-20

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 5  
NOES: 0

(b) Motion: to adopt Resolution No. 8881 amending the Classification Plan to establish new classifications and create title changes and salary ranges, adjusting the number of positions on the Authorized Position List, adjusting salary ranges for specific classifications, establishing classification title changes and amending specific budgeted, allocated positions; and, action did not include the addition of Administrative Assistant for the City Council on the list of positions (in section B, page 2)

Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 5  
NOES: 0

(c) Motion: to adopt Resolution No. 8882 to amend the Classification Plan to adjust the hourly rate and ranges for classifications due to the minimum wage ordinance (to \$15.00 per hour)

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 5  
NOES: 0

(d) Motion: to adopt Resolution No. 8883 amending Limited Service Employees' eligibility for and list of fringe benefits

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

(e) Motion: to approve requests for the City Manager and elected officials to travel out of state in FY 2019-20, per City policy

Motion/Second: Councilmember Montano/Councilmember Nuñez

Motion carried by a vote of: AYES: 5  
NOES: 0

## **2. Continued Public Hearing on FY 2019-20 Community Development Block Grant (CDBG) Program**

Housing Authority Administrator Robert Musallam reviewed why the Council was reviewing the recommendations for CDBG funding for FY 2019-20, and summarized what had occurred since the last City Council meeting. Various letters from non-profit organizations had been received in the past week expressing how applicants had met, and discussed their scope of services provided to programs and clients that specifically supported established Council priorities.

Mr. Musallam reviewed in detail the CDBG funding available for Public Services, administration and Capital Allocation. The City Council CDBG Subcommittee had met on Monday (the previous day) to arrive at revised recommendations with the \$10,523 increase each to Catholic Charities and Next Door Solutions. He explained that there was no pre-determined month when CDBG allocations were announced by federal HUD, as it depended on the federal budget cycle. So, the timeline was fluid each year and the actual dollars and date of allocation did vary. He displayed on one slide a proposed process for FY 2020-21.

Vice Mayor Dominguez wished to answer Mayor Tran's question about which agency "lost" the \$10,000 that was added to Catholic Charities Long Term Care Ombudsman Program and Next Door Solutions to Domestic Violence. She said none lost out, but rather the project funding was a little higher than originally allocated.

Councilmember Phan thanked the Subcommittee and work of the non-profit groups. He suggested to decide some of the categories ahead of time, and then set aside a percent amount for specific categories of funding with the CDBG allocation. This could help prioritize the funding ahead of the allocated amount being known.

Next, Mayor Tran re-opened the public hearing at 10:02 PM.

Jordan Dancer, manager of Next Door Solutions to Domestic Violence, appreciated funding for her organization, which helped Milpitas women. There was a great need for services.

Wanda Hale, program manager for Long Term Care Ombudsman Program, appreciated the Council looking at this issue and appreciated the additional funding recommended (since the last Council meeting). She thanked the City Council.

Teresa Johnson, Director of nutrition services for The Health Trust, thanked the CAC (Community Advisory Commission), staff and Council for all the work done, and especially the CDBG Subcommittee. She looked forward to working with Council and staff to better serve residents of Milpitas with its Meals on Wheels program.

Georgia Bacil, of Senior Adult Legal Services, provided free legal services to low income seniors in Milpitas over at the Barbara Lee Senior Center. She and her agency appreciated the CDBG funding, and work of the CDBG Subcommittee.

Anne Marquart of Project Sentinel, spoke to the Council and was appreciative of funding.

Tom Valore, resident of Milpitas, recalled that Milpitas Food Pantry previously received CDBG funds. He was curious why that group was not on the list. Staff reported that the group did not submit an application, while the City would support the Food Pantry this year.

Sherry Burns, of the Silicon Valley Independent Living Center, greatly appreciated the City's support, with small but significant increases over the past few years. Her group provided housing workshops for seniors at the Senior Center and had increased the number of very low income seniors served with housing needs.

Evelyn Chua said she noticed that no one agency was funding mental health concerns, while one agency's representative shouted out that her agency did help with some of those needs.

Vice Mayor Dominguez said groups were getting away from offering one service only, and were more integrated in their services.

Mayor Tran commented on various services and needs in the community, especially with regard to mental health needs.

(1) Motion: to move to close the public hearing, following eight speakers

Motion/Second: Councilmember Montano/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 5  
NOES: 0

Councilmember Nuñez commented a bit on the process and the non-profit groups noting that he had "got out of the way" to allow the Vice Mayor and himself to do their work on the Subcommittee. He thanked the staff of the non-profit organizations and the City staff for all of the work done on this subject.

(2) Motion: to approve Community Development Block Grant funding for Fiscal Year 2019-20, of \$608,735 in total

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 5  
NOES: 0

(3) Motion: to approve the FY 2019-20 Annual Action Plan on Community Development Block Grant program in Milpitas

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

(4) Motion: to authorize the City Manager, or designee, to make any necessary changes to the approved draft FY 2019-2020 Action Plan as needed to comply with CDBG submission guidelines

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 5  
NOES: 0

(5) Motion: to authorize the City Manager to execute agreements with the approved CDBG recipient organizations

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 5  
NOES: 0

### **CONSENT CALENDAR**

Motion: to approve the Consent Calendar including agenda items no. 3 - 7

Motion/Second: Councilmember Montano/Councilmember Nuñez

Motion carried by a vote of: AYES: 5  
NOES: 0

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| 3. Adopt a Resolution                          | Adopted Resolution No. 8884 authorizing access to state and federal level Summary Criminal History Information for Employment, Certification, and Licensing Purposes for the Milpitas Police Department.   |
| 4. Agreement with ADS                          | Approved a Professional Service Agreement with ADS Environmental Services for Flow Monitoring Consulting Services for an amount not to exceed \$160,000.   |
| 5. Amendment No. 1 to Agreement with West Yost | Approved and authorized the City Manager to execute Amendment No. 1 to the agreement with West Yost Associates for Design Services for Main Lift Odorous Emissions Control Facility for an additional amount of \$36,340 for the identified additional services.   |
| 6. Amendment No. 3 to Agreement with HMM Inc.  | Approved and authorized the City Manager to execute Amendment No. 3 to the Consulting Services Agreement with HMM, Inc. for the Midtown Street Light and Utility Underground 2017, Projects No. 3430 and No. 3425.   |
| 7. Adopt a Resolution                          | <p>1. Adopted Resolution No. 8885 to approve project Plans and Specifications for the Creighton Park Renovation, Project No. 5109, award a construction contract to Marina Landscape Inc. in the amount of \$2,389,435 and authorize the City Manager to execute the contract.</p> <p>2. Authorized the City Manager to execute Amendment No. 1 to the Professional Services Agreement with BFS Landscape Architects to increase compensation by \$70,530 for the project.</p> |
| <b>ADJOURNMENT</b>                             | Mayor Tran adjourned the joint meeting at 10:34 PM.  |

**The foregoing minutes were approved by Milpitas City Council on August 13, 2019.**

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**Mary Lavelle**  
**Milpitas City Clerk**